

BILL NO. 2015-

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND REPLACE THE CITY'S REGULATIONS PERTAINING TO PARKING LOTS; GENERALLY REQUIRING AT LEAST TWENTY-FOUR HOURS' WRITTEN NOTICE BEFORE A MOTOR VEHICLE CAN BE TOWED FROM A PARKING LOT; ESTABLISHING CERTAIN POSTING AND NOTICE REQUIREMENTS REGARDING TOWING FROM SUCH LOTS; AND PROVIDING FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Bob Coffin

Summary: Repeals and replaces the City's regulations pertaining to parking lots, generally requiring at least twenty-four hours' written notice before a motor vehicle can be towed from a parking lot, and establishing certain posting and notice requirements regarding towing from such lots.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 11, Chapter 55, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

SECTION 2: Title 11 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 55 and consisting of Sections 10 to 50, inclusive, reading as follows:

11.55.010: For purposes of this Chapter:

(A) "Parking lot" includes any lot or parcel, however owned, that is made available to the public for vehicle parking, whether or not:

- (1) A charge is assessed for parking privileges;
- (2) The lot is operated on a commercial basis;
- (3) The lot is operated on a permanent basis; or
- (4) The lot is paved.

(B) A lot or parcel is not "made available to the public for vehicle parking" if a fence or other barrier has been erected or is otherwise in place at each driveway or curb cut associated with the

1 lot or parcel in order to prohibit vehicular access.

2 **11.55.020:** (A) Except as otherwise provided in Subsection (C), no motor vehicle may be towed
3 from a parking lot unless the minimum notice required by Subsection (B) has been provided.

4 (B) The minimum notice required by this Section is written notice that the vehicle is
5 subject to tow, provided at least twenty-four hours in advance of a tow, either delivered personally to the
6 owner or operator of the vehicle or posted in a conspicuous place on the vehicle.

7 (C) The prohibition contained in Subsection (A) does not apply to the towing of a
8 motor vehicle that is:

9 (1) Specifically permitted pursuant to NRS Chapter 487, NRS Chapter 706, or
10 regulations promulgated thereunder; or

11 (2) Done at the instance of an officer or agent of a governmental authority in
12 order to protect health or safety.

13 **11.55.030:** (A) In order to take advantage of any State statute or regulatory provision authorizing
14 or permitting the towing of vehicles, the owner or operator of any parking lot must post the property with
15 signage to indicate:

16 (1) Any prohibitions or limitations on the use of the property for public
17 parking;

18 (2) Any charges associated with the property's use for public parking;

19 (3) The circumstances under which towing may occur, as well as and the time
20 period within such towing may occur;

21 (4) The telephone number of the Las Vegas Metropolitan Police Department;
22 and

23 (5) The telephone number of the owner or operator of the parking lot, or an
24 authorized agent.

25 (B) The sign or signs required by Subsection (A) must:

26 (1) Be printed with contrasting background and lettering;

- 1 (2) Use readable lettering;
- 2 (3) Be placed on the parking lot at each established entrance, or otherwise in
- 3 such a manner that the sign or signs are in the field of view of all drivers entering the lot; and
- 4 (4) Be of sufficient quantity to notify all users of the lot of the parking
- 5 restrictions and other information set forth in Subsection (A).

6 **11.55.040:** If the owner of a parking lot or the owner's authorized agent, pursuant to NAC 706.4277,

7 has entered into a written authorization with the operator of a tow car with respect to that lot, the owner or

8 agent shall provide a copy of that authorization to the Parking Services Division of the Department of

9 Economic and Urban Development.

10 **11.55.050:** In addition to the City's authority to enforce any provision of State law pursuant to LVMC

11 10.02.010, it is a City misdemeanor for the owner or operator of a parking lot, or the operator of a tow car,

12 to violate any of the provisions of NAC 706.427 to 706.4277, inclusive, that pertain to towing vehicles

13 from parking lots or other private property.

14 **SECTION 3:** If any section, subsection, subdivision, paragraph, sentence, clause or

15 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or

16 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or

17 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City

18 of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph,

19 sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections,

20 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

21 **SECTION 4:** Whenever in this ordinance any act is prohibited or is made or declared to

22 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required

23 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of

24 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon

25 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of

26 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation

1 of this ordinance shall constitute a separate offense.

2 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,
3 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
4 Edition, in conflict herewith are hereby repealed.

5 PASSED, ADOPTED and APPROVED this ____ day of _____, 2015.

6 APPROVED:

7
8 By _____
CAROLYN G. GOODMAN, Mayor

9 ATTEST:

10 _____
11 LuAnn D. Holmes, MMC
Acting City Clerk

12 APPROVED AS TO FORM:

13 _____
14 Val Steed, Date
Deputy City Attorney

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the _____
2 day of _____, 2015, and referred to a committee for recommendation, the committee
3 being composed of the following members ____; thereafter the said committee reported favorably on said
4 ordinance on the _____ day of _____, 2015, which was a _____
5 meeting of said Council; that at said _____ meeting, the proposed ordinance was
6 read by title to the City Council as first introduced and adopted by the following vote:

7 VOTING "AYE": _____

8 VOTING "NAY": _____

9 ABSENT: _____

10 APPROVED:

11
12 By _____
13 CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 LuAnn D. Holmes, MMC
Acting City Clerk

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